

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KEVIN D. MCGEE,)
Plaintiff,)
v.)
MARK STRINGER, et al.,)
Defendants.)
No. 4:17-CV-259 RWS

MEMORANDUM AND ORDER

Plaintiff seeks leave to proceed in forma pauperis in this civil action under 42 U.S.C. § 1983. The motion is granted. Additionally, this action is dismissed pursuant to 28 U.S.C. § 1915(e).

Standard of Review

Under 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. To state a claim for relief, a complaint must plead more than “legal conclusions” and “[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A plaintiff must demonstrate a plausible claim for relief, which is more than a “mere possibility of misconduct.” *Id.* at 679. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* at 678. Determining whether a complaint states a plausible claim for relief is a context-specific task that requires the reviewing court to draw on its judicial experience and common sense. *Id.* at 679.

The Complaint

Plaintiff is civilly committed at the Southeast Missouri Mental Health Center (“SMMHC”). Defendants are attorneys with the Office of the Attorney General and officials at SMMHC. Plaintiff says, “[defendants] all have dealt with me extensively and hindered me under Due Process of Law.” There are no other allegations in the complaint.

Discussion

Plaintiff’s allegations are entirely conclusory and fail to allege facts, which if proved, would entitle him to relief. Moreover, his claims are barred by sovereign immunity. *See Will v. Michigan Dep’t of State Police*, 491 U.S. 58, 71 (1989). As a result, the complaint must be dismissed pursuant to 28 U.S.C. § 1915(e).

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed forthwith.

Dated this 3rd day of February, 2017.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE